

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**JUNE 17, 2002**

**SOUTHEAST COMMUNITY COLLEGE**  
**ROOM 121**  
**BURLINGTON, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Kathryn Murphy at 1 p.m. on Monday, June 17, 2002, in room 121 of Southeast Community College in Burlington, Iowa.

### MEMBERS PRESENT

Lisa Davis Cook  
Lori Glanzman  
Darrell Hanson  
Kathryn Murphy, Chair  
Gary Priebe, Vice Chair  
Kelly Tobin  
Terrance Townsend  
Rita Venner, Secretary

### MEMBERS ABSENT

James Braun was unable to attend due to a conflict in his schedule.

### ADOPTION OF AGENDA

*Motion was made by Terry Townsend to approve the agenda as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

APPROVED AS PRESENTED

### APPROVAL OF MINUTES

*Motion was made by Lori Glanzman to approve the minutes of the May 20, 2002 meeting as presented. Seconded by Terry Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

### DIRECTOR'S REPORT

Deputy Director Elizabeth Christiansen said she had brought a summary of the appropriations bill for the Commissioners to review. She said the Department is in the process of finalizing the budget for fiscal year 03.

### CONTRACT - LINN COUNTY BOARD OF HEALTH; AIR QUALITY PROGRAM

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the Linn County Board of Health. This agreement sets forth each agency's role in the ongoing implementation of the Linn County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The duties of the Linn County Air Quality Division staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting Title V operating permits.

The agreement is for the period of July 1, 2002 through June 30, 2003. The agreement establishes variable payments, totaling \$510,963. This contract is funded by the air contaminant fund, \$357,463, 105 federal grant, \$118,500, and 103 federal grant, \$35,000. The agreement amount for last year was \$494,966. The increase from last year accounts for rising health care costs and staffing costs.

(A copy of the contract is available in the Department's Record Center.)

Wayne Gieselman briefed the Commission on the item.

Rita Venner asked why ADM was not listed on page 38 of the contract as having a Title V permit.

Wayne Gieselman said he would get that information for Commissioner Venner and report to her later in the meeting.

*Motion was made by Kelly Tobin to approve the contract as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACT   POLK COUNTY BOARD OF SUPERVISORS; AIR QUALITY PROGRAM**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the Polk County Board of Supervisors. This agreement sets forth each agency's role in the ongoing implementation of the Polk County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The duties of the Polk County Air Quality Division staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting Title V operating permits.

The agreement is for the period of July 1, 2002 through June 30, 2003. The agreement establishes variable payments, totaling \$767,348. This agreement is funded by the air contaminant fund, \$482,848, 105 federal grant, \$154,500, and 103 federal grant, \$130,000. The agreement amount for last year was \$631,787. The increase from last year accounts for rising health care costs, staffing costs, and additional air toxics monitoring.

(A copy of the contract is available in the Department's Record Center.)

Wayne Gieselman briefed the Commission on the item.

*Motion was made by Gary Priebe to approve the contract as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**MEMORANDUM OF AGREEMENT - IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT;  
ENVIRONMENTAL BUSINESS ASSISTANCE PROGRAMS**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission is asked to approve an agreement between the Department and the Iowa Department of Economic Development (IDED) for the purpose of administering Environmental Business Assistance Programs. These programs facilitate the conservation of Iowa's natural resources, provide technical assistance to Iowa businesses to enhance environmental protection and business productivity, and help develop a sustainable and prosperous Iowa economy for Iowa citizens.

This MOA will assist in improving communication and efficiencies and coordination of service provided by programs including: Recycle Iowa, Iowa Waste Exchange, Small Business Air Quality Liaison, Regulatory Assistance, and Brownfield Redevelopment. This MOA consolidates and streamlines three existing (but currently "stand-alone") MOAs for the Iowa Waste Exchange, Small Business Air Quality Liaison and Regulatory Assistance, and adds two additional collaborative areas for Recycle Iowa and Brownfield Redevelopment.

- The Iowa Waste Exchange receives six and one half percent of the tonnage fee received into the solid waste account of the Groundwater Protection Fund as established by the Code of Iowa, Chapter 455E.11.2(a)(2)(c). The Iowa Waste Exchange brings companies together to ensure that waste materials that may serve another purpose are diverted from landfills and connected to companies that need them. Since its inception in 1990, the exchange has diverted 736,100 tons of materials from landfills and saved over \$20 million in avoided disposal costs.
- The Small Business Air Quality Liaison, a position mandated by Section 507 of the federal Clean Air Act Amendments of 1990, has a cost reimbursable agreement not to exceed \$75,000. The agreement is funded through Title V air quality permitting fees of \$65,000 and \$10,000 pollution prevention incentives to states grant.

The Liaison serves as a non-regulatory contact for small businesses seeking information and assistance related to fulfilling their environmental permitting responsibilities; assists with concerns between Iowa's small businesses and the Department; and ensures that air quality regulations are understandable. The Liaison also works closely with the Department to address evolving issues and additional assistance as needed.

(A copy of the agreement is available in the Department's Record Center.)

Wayne Gieselman this is a combination of five different of programs that had each had their own memorandum of agreement. The essence of this agreement is to provide a position within the Department of Economic Development where people may go to get answers to their questions dealing with DNR permitting authority. The position is paid for through the permitting fees received by the Department.

*Motion was made by Lori Glanzman to approve the memorandum of agreement as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT UNIVERSITY OF IOWA HYGIENIC LAB; AIR QUALITY BUREAU SUPPORT**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the University of Iowa Hygienic Lab (UHL). The agreement provides UHL support of Air Quality Bureau activities including ambient air monitoring, ambient air modeling, emissions inventory, stack testing, and asbestos sample analysis.

The agreement is for the period of July 1, 2002 through June 30, 2003. The agreement establishes variable payments, totaling \$2,032,034. This contract is funded by the air contaminant fund, \$1,084,345, 105 federal grant, \$416,495, and 103 federal grant, \$481,978, and state animal agriculture compliance fund, \$49,216. The agreement amount for last year was \$1,975,131.

(A copy of the contract is available in the Department's Record Center.)

Wayne Gieselman said the UHL does a lot of air monitoring work to ensure compliance with air standards throughout the state. A portion of this contract will be used to help with the development of the proposed air quality rules for the livestock facilities.

*Motion was made by Terry Townsend to approve the contract as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT NATIONAL OLDER WORKER CAREER CENTER, TEMPORARY STAFFING**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

**Background:**

National Older Worker Career Center (NOWCC) provides temporary staff services to their clients. In doing this, NOWCC handles advertisement for the types of staff that their clients are looking for; reviews candidates to see how well they fit with NOWCC and the client's needs; provides a list of possible candidates for interview; and finalizes the hire.

NOWCC provides benefits to its workers such as: fully paid health insurance; paid sick leave and vacation; and unemployment insurance.



For several years, EPA had an agreement with NOWCC for a single staff person for the Air Quality Bureau (AQB). The AQB was (and still is) very impressed with the performance of NOWCC. AQB created a direct contract with NOWCC for 3 additional staff in fiscal year 1999. In fiscal year 2000, AQB took over the cost of the EPA funded position and renewed the NOWCC contract for 4 staff at a total cost of \$130,000.00. In addition, the Compliance and Enforcement Bureau and Waste Management Assistance Division (WMAD) contracted for five additional staff.

In fiscal 2001, these separate contracts combined into a single agreement with NOWCC for services – covering AQB, Compliance and Enforcement Bureau and Waste Management Assistance Division (WMAD). The complete contract for all DNR covered 11 staff positions and cost a total of \$392,253.66.

In fiscal 2002, we continued to contract under a single agreement with NOWCC for services – covering AQB and Compliance and Enforcement Bureau. WMAD dropped out of the agreement. The complete contract with NOWCC for all DNR originally covered 10 staff positions and cost a total of \$316,217.73. Due to changes, specifically cuts in budget, AQB cut 3 positions in October. This reduced the contract to 7 staff positions. The final total cost for the contract was \$237,129.09.

AQB and Compliance and Enforcement Bureau has found NOWCC to be very reliable and rollover to be minimal to none compared to other temporary services. This is a benefit to all DNR because training new staff is expensive and time consuming.

#### **Agreement Renewal:**

Again this year, a combined renewal agreement has been created to cover all DNR's contract needs with NOWCC.

The Air Quality Bureau and Compliance and Enforcement Bureau would like to renew the agreement with NOWCC for July 1<sup>st</sup>, 2002 to June 30<sup>th</sup>, 2003. The specific position descriptions can be found in Attachment A of the agreement.

#### **For Air Quality Bureau**

The cost of the renewal contract with NOWCC for the duration of July 1<sup>st</sup>, 2002 through June 30<sup>th</sup>, 2003 for 2 staff positions for AQB is \$104,046.86. [cost centers 7220 and 7230]

#### **For Compliance and Enforcement Bureau**

The cost of the renewal contract with NOWCC for the duration of July 1<sup>st</sup>, 2002 through June 30<sup>th</sup>, 2003 for 5 staff positions for the Compliance and Enforcement Bureau is \$130,907.55. [cost centers 7422 and 7426]

The complete contract for all DNR covers 7 staff positions and costs a total of \$234,954.41.

The Commission is asked to approve the issuance of this renewal agreement with NOWCC for the DNR.

(A copy of the contract is available in the Department's Record Center.)

Wayne Gieselman briefed the Commission on the contract. He said due to budget constraints the contract has been cut to seven staff members.

A brief discussion followed regarding the benefits of using a staffing agency and the additional cost of benefits received by those employees through the employment agency.

*Motion was made by Gary Priebe to approve the contract as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PUBLIC PARTICIPATION**

Chairperson Kathryn Murphy called for public participation at 1:30 p.m. There were no requests to address the Commission. Kathryn Murphy asked the staff and the members of the audience to introduce themselves.

## **CONTRACT - SOLID WASTE ALTERNATIVES PROGRAM RECOMMENDATIONS FOR FUNDING**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Department received twenty-two (22) proposals, requesting over \$1,500,000 in financial assistance, for consideration during the April 2002 round of funding. Seven (7) applicant projects were selected. If approved they will receive \$289,264 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The review committee consisted of six persons representing the Energy and Waste Management Bureau (Valerie Drew, Mel Pins), Iowa Society of Solid Waste Operations (Jeff Dworek), Iowa Recycling Association (Floyd Pelkey), and the Iowa Waste Exchange (Jodi Jeanes).

The table below summarizes recommendations by applicant and project type and by the type of award.

<b>Recommended By Applicant Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Local Government	3	\$32,154	\$21,804
Private For Profit	1	\$49,875	\$0
Private Not For Profit	3	\$207,235	\$53,735
<b>Recommended By Project Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Best Practices	3	\$75,654	\$15,429
Education	2	\$20,110	\$20,110
Market Development	2	\$193,500	\$40,000
<b>Type of Award</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Forgivable loan only	3	\$35,539	\$35,539
Zero Interest Loan Only	2	\$60,225	\$0
Forgivable & Zero Interest Loan	1	\$30,000	\$20,000
Forgivable, Zero, 3% Interest loan	1	\$163,500	\$20,000

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

(A copy of the recommendations for funding is available in the Department's Record Center.)

Wayne Gieselman briefed the Commission on the Program.

*Motion was made by Kelly Tobin to approve the contracts as presented. Seconded by Lisa Davis Cook. Motion carried unanimously*

**APPROVED AS PRESENTED**

## **FINAL RULE CHAPTER 111, FINANCIAL ASSURANCE REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

In June of 2001, the Commission adopted new Chapter 111, "Financial Assurance Requirements for Municipal Solid Waste Landfills." During the June meeting it was agreed that a technical advisory committee would be established to assist staff in the development of rules for closure and postclosure accounts for municipal solid waste landfills. This committee was established and their input was provided to the department in the department's development of rules establishing the requirements for closure and postclosure accounts. Additionally, the department identified inconsistencies in the recently adopted chapter that need to be addressed.

The Notice of Intended action to amend Chapter 567-111 was approved by the Commission on December 17, 2001 and filed on December 18, 2001. The Notice was published in the Administrative Bulletin on January 9, 2002. A public hearing was held on February 12, 2002 and written comments were accepted through this date.

The adoption of the new rules for closure and postclosure accounts for landfills are required by section 455B.306(8) of the Code of Iowa. The additional revisions serve to clarify the existing Chapter 111. The majority of the comments received were considered prior to the adoption of the Notice of Intended Action and the final rule represents the department's best effort to address these concerns, where appropriate. The Responsiveness Summary has been distributed to interested parties.

(A copy of the Final Rule and the responsiveness summary is available in the Department's Record Center.)

Jon Tack said the Commission adopted the revised financial assurance requirements for landfills to pay for closure and postclosure. At that time of that rulemaking it was brought to the Commission's attention that there was a part of the code that had not yet been addressed. That portion of the code dealt with a

requirement for landfills to set up and contribute to accounts throughout the life of the landfill to pay for the closure. The Commission asked the Department to form an advisory committee to address that portion of the code. The committee put together a set of rules, which were presented to the Commission as a notice of intended action in December. The Department received some comments and made some clarifications in response to those comments. He said there are still some areas of dispute but he felt as though the rules were a good start to making sure that the money is actually in place when the landfills close.

Terry Townsend said that the Administrator from the City of Newton had some concerns about the rules because it will cause a change in their current method of financial assurance, which will be expensive.

Jon Tack said the Department would continue to work with the City of Newton to keep the costs down.

*Motion was made by Lisa Davis Cook to approve the final rule as presented. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

Deputy Director Liz Christiansen thanked Jon Tack for his participation on this rule and on the financial assurance rule that came before this one. She said he worked very hard to bring the parties together.

**EMERGENCY RULE CHAPTER 123, REGISTRATION OF WASTE TIRE HAULERS**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission is requested to approve the attached as final rules for emergency filing. On April 22, 2002, the Governor signed House File 2554. Provisions of this legislation transferred the responsibility for registration of waste tire haulers from the Secretary of State's Office to the department. As such, the commission is requested to approve the adoption of these rules and the emergency filing. By making the rules effective upon filing, the department can immediately assume administration of the program. These rules are a direct adaptation of the existing Secretary of State's rules contained in Iowa Administrative Code Chapter 721-44 "Registration of Waste Tire Haulers." The only change made to the rules was replacing the five references to "Secretary of State" with "department" as the appropriate state agency for administering the rules.

The waste tire hauler registration process is designed to ensure that waste tires are properly handled and disposed of after they are collected. More than 30 firms and individuals are currently registered as waste tire haulers, and it is important to provide continuity and oversight to this aspect of waste tire management in Iowa.

Highlights of the existing rules include:

- Requires registration of waste tire haulers who transport for hire more than 40 tires in a single load.
- Haulers must submit a registration form to the department, with the name and address of the company, as well as descriptions of vehicles to be used for hauling.
- The registration certificate shall be renewed annually, at a rate of \$50.
- The hauler must post a \$10,000 surety bond, which may be used by the department in the event that the hauler causes damages through improper tire disposal.
- The hauler must properly mark their vehicles and equipment for clear identification.

It is the department's intention to study the current structure of the waste tire hauler registration process over the next few months. By this fall, recommendations will then be then provided to the commission to amend these rules to achieve greater effectiveness in enforcement and oversight of the waste tire hauler registration program.

(A copy of the Emergency Rule is available in the Department's Record Center.)

Jon Tack said the registration of the waste tire handlers had always been done by the Secretary of State's office although the Department regulated the processing of waste tires. During the 2002 session the Legislature shifted the registration to a DNR program, effective immediately upon signature by the Governor. Since the Department did not have any rules in place for this process the Department will adopt the Secretary of State's rules as is and plan to go through and revise them over the following year.

Kathryn Murphy asked if there were any specific areas of this rule that are being targeted for revision.

Jon Tack said the Department would review the bonding requirements because currently when a hauler takes their tires to an illegal site there has not been any attempt to collect those bonds for the cost of cleanup.

*Motion was made by Rita Venner to approve the Emergency Rule as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

Wayne Gieselman said in response to Commissioner Venner's earlier questions regarding Title V permits for ADM in Linn County, there is one pending at this time. They currently have a PSD (Prevention of Significant Deterioration) and several air emission inventory permits but there are no outstanding Title V permits for ADM at this time in Linn County.

### **STATE REVOLVING FUND - 2002 INTENDED USE PLAN**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

Commission approval of the Clean Water State Revolving Fund Intended Use Plan for 2002 is requested.

The FY 2002 Intended Use Plan (IUP) includes the list of projects proposed to receive loan assistance through the state revolving fund with money available for 2002 as well as uncommitted previous years' funds. Approximately \$48 million will be provided to 26 communities for wastewater improvements.

A public meeting was held on May 8, 2002 to allow opportunity for input on the proposed IUP. Section IX of the IUP summarizes the input received. EPA had several comments on the IUP and minor adjustments and corrections in the IUP were made in response to several of EPA's comments. Another EPA comment may require additional evaluation and information before EPA can make a grant award in the future. One application received during the comment period was added to the proposed list for loan assistance. Approval of the IUP will allow the projects to proceed on a reimbursable basis and loans are awarded to the new projects.

(A copy of the intended use plan is available in the Department's Record Center.)

Wayne Gieselman said the intended use plan is a requirement from EPA and must be updated on a yearly basis. This year the legislature lifted the restriction that required these funds to be used only by municipalities to improve wastewater and water treatment plants. This change will allow the Department to obligate more of the money than in the past in the direction of livestock interests and pollution control. He said although this intended use plan was not submitted to EPA on a timely basis, next year's plan, due in September of 2002, will be.

*Motion was made by Darrell Hanson to approve the intended use plan as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**FINAL RULE CHAPTER 60, SCOPE OF TITLE DEFINITIONS RULES OF PRACTICE, CHAPTER 61A, VOLUNTEER MONITORING DATA REQUIREMENTS.**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission is requested to approve the attached amendments to chapters 60 and 61. The Commission approved the Notice of Intended Action at the December 2001 meeting. Changes have been made based on the comments received during the public comment period and the public hearings.

Three public hearings were held. The first public hearing was in Des Moines on February 27, 2002 and was attended by 5 people. The second hearing was held March 1, 2002 in Spencer and no one attended. The third public hearing was held on March 7, 2002 in Cedar Rapids and was attended by 3 people. The department also received written comments from two individuals during the public comment period. A summary of the comments received and the department's response are also attached.

Based on the comments received, the department has revised the proposed changes to chapter 61 in the following manner:

- Rewording 61.12(1) to clarify that qualified volunteers must specifically request that their data be considered credible before the Department can incorporate it in a 303d list.
- Rewording 61.12 (1) to require the Department to provide a standard format for the submission of qualified volunteer data.
- Rewording 61.12 (1) to clarify that data collected by volunteers will be labeled as such in any Department databases, reports, or websites.
- Rewording 61.13 to clarify that the Department shall conduct statistically valid field audits of volunteer data collection activities and analysis procedures.

(A copy of the Rule and the Responsiveness Study is available on the Department's Record Center.)

Mary Skopec said the 2000 General Assembly passed legislation that requires the use of credible data when developing the 303d (Impaired Waters) list. The legislation also required that the Department develop a definition for 'qualified volunteers' and establish rules for credible volunteer data. The notice of intended action had been brought before the Commission in December of 2001, the Department held three public hearings and some changes were made to the rule in response to the comments received.

*Motion was made by Kelly Tobin to approve the final rule as presented. Seconded by Lisa Davis-Cook. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION - CHAPTER 60, SCOPE OF TITLE DEFINITIONS FORMS RULES OF PRACTICE; CHAPTER 64, WASTEWATER CONSTRUCTION AND OPERATION PERMITS**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to initiate rule making to amend stormwater regulations. The rule amendments as proposed would:

- Lower the threshold from five acres to one acre for construction site stormwater permits. Under existing rules, any construction activity that disturbs five acres or more is required to obtain a stormwater permit and the permit requires development and implementation of a plan to control erosion. Under the proposed rule, any site disturbing one acre or more would have to obtain a permit unless they meet a waiver criterion described in the proposed rules.
- Remove the exemption for "small" (i.e., less than 100,000 population) municipalities. Under existing rules, only cities of 100,000 population or more have to obtain a permit for their municipal separate storm water sewer systems (MS4s) and for other activities. The proposed changes would require MS4 permits for many municipalities under 100,000 and for all municipalities with fewer than 100,000 people for construction projects over one acre and other industrial activities currently requiring storm water permits.

These changes are mandated by new federal regulations (known as Phase II stormwater regulations) and failure to adopt provisions at least as stringent as the federal requirement could result in loss of primacy for the entire NPDES program. Other changes include adopting forms and deleting the expired "money back guarantee" rule.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Wayne Gieselman said this rule would require stormwater construction permits for any project that disturbs more than one acre as opposed to five acres as the current rule states. Currently municipalities under 100,000 are not required to obtain a stormwater permit, this rule will lower that threshold to 10,000.

*Motion was made by Lisa Davis-Cook to approve the notice of intended action as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

APPROVED AS PRESENTED
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# **EMERGENCY RULE AND NOTICE OF INTENDED ACTION - CHAPTER 65, ANIMAL FEEDING OPERATIONS (CONSTRUCTION PERMIT APPLICATION FEE AND MANURE MANAGEMENT PLAN FILING FEE)**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission is asked to approve a new construction permit application fee and a manure management plan filing fee, as mandated in Senate File 2293 enacted on April 29, 2002. The “double-barreling” approach is proposed: the Adopted and File Emergency document will allow the Department to collect these fees immediately after filing on June 18, 2002; also, under the Notice of Intended Action, a public hearing on the proposed rule amendments to establish these fees will be held on Tuesday August 6<sup>th</sup> 2002 and written comments will be allowed through that date.

The proposed new fees will be \$ 250.00 for the construction permit application fee (required for confinement feeding operations that must obtain a construction permit) and \$ 250.00 for the manure management plan filing fee (required for confinement feeding operations that must submit a manure management plan).

The department is recommending that the Environmental Protection Commission (EPC) adopt the proposed rule amendments, as follows:

(A copy of the rule is available in the Department’s Record Center.)

Wayne Gieselman said the Department proposes that this rule be approved on an emergency basis so that it can be implemented as soon as possible. The 2002 General Assembly authorized the Department to charge permit fees of up to \$250.00 and manure management plan filing fees of up to \$250.00. This rule proposes to impose both fees at \$250.00 per permit. He said although the Department is asking that this rule be approved on an emergency basis, it will also go through the normal rulemaking process. He said this is the first of the rules that will have to be implemented dealing with the animal feeding operations.

Kelly Tobin asked where the money would go.

Wayne Gieselman said the money would go to the Animal Agricultural Compliance Fund, which is a new fund that will be started on July 1, 2002. This fund is to be used for field activities in the Department and will be used in part for the 12 full time field staff that were also authorized by the 2002 General Assembly.

Rita Venner asked if animal-feeding operations would now have to submit a manure management plan on an annual basis.

Wayne Gieselman said under the new statute they would.

<p><i>Motion was made by Darrell Hanson to approve the emergency rule as presented. Seconded by Lisa Davis-Cook. The roll call vote went as follows: Lisa Davis-Cook Aye; Lori Glanzman Aye; Darrell Hanson Aye; Gary Priebe Nay; Kelly Tobin Nay; Terry Townsend Aye; Rita Venner Aye; Kathryn Murphy Aye. James Braun Absent. Motion carried.</i></p>
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## APPROVED AS PRESENTED

Gary Priebe said that he believed that the Department needed to develop a handbook so that everyone will know what is required for what activity.

Chris Gruenhagen from Farm Bureau said that a handbook had been put together by them and she anticipated that it would be updated after the changes have become final.

Gary Priebe said he believed that the new regulations that are being developed would be the demise of the small livestock producer in the State of Iowa.

## MONTHLY REPORTS

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

PROPOSAL	NOTICE TO COMM.	NOTICE PUBLISHED	ARC#	RULES REVIEW COMMITTEE	HEARING	COMMENT PERIOD	FINAL SUM TO COMMSN	RULES ADOPTED	RULES PUBLISHED	ARC #	RULES REVIEW COMMITTEE	RULES EFFECTIVE
1. Ch. 22 Exempt Small Emission Units and Indoor Sources from AQ Construction Permitting	9/17/01	10/17/01	1024B	11/13/01	11/26/01	11/30/01	5/20/02	5/20/02	*6/12/02		*7/09/02	*7/17/02
2. Ch. 22 Title v insignificant Activities	2/18/02	3/20/02	1475B	4/08/02	5/02/02	5/02/02	5/20/02	5/20/02	*6/12/02		*7/09/02	*7/17/02
3. Ch. 22 Denomination Stationary Source Categories	5/20/02	*6/12/02		*7/09/02			*8/19/02	*8/19/02	*9/18/02		*10/08/02	10/23/02
4. Ch. 38 Private Well Construction Permits	4/15/02	5/15/02	1619B	6/11/02	6/4-6, 13/02	6/07/02	*7/15/02	*7/15/02	*8/07/02		*9/03/02	*9/11/02
5. Ch. 44, 92 & 95 State Revolving Funds for Drinking Water, Wastewater and On-Site Systems	10/22/01	11/14/01	1122B	12/11/01	12/04/01	12/04/01	5/20/02	5/20/02	*6/12/02		*7/09/02	*7/17/02
6. Ch. 64 Stormwater Regulation Amendments	6/17/02	*7/10/02		*8/06/02			*9/16/02	*9/16/02	*10/16/02		*11/05/02	11/20/02
7. Ch. 61 WQ Standards Section 404 Permits	12/17/01	1/09/02	1245B	2/04/02	1/29/02 1/30/02 2/1/02 2/04/02 2/05/02 2/06/02	2/18/02	5/20/02	5/20/02	*6/12/02		*7/09/02	*7/17/02
8. Ch. 61 WQ Assessment Qualified Volunteers	12/17/01	2/06/02	1351B	3/08/02	2/27/02 3/01/02 3/07/02	3/07/02	6/17/02	*6/17/02	*7/10/02		*8/06/02	*8/14/02

9. Ch. 64 Wastewater Construction & Operation Permits	4/15/02	5/15/02	1620B	6/11/02	*6/04/02	*6/04/02	*7/15/02	*7/15/02	*8/07/02		*9/03/02	*9/11/02
10. Ch. 65 Proposed Fee increase for Certified Manure Applicators	1/22/02	2/20/02	1384B	3/08/02	3/20/02	3/12/02	4/15/02	4/15/02	5/15/02	1621B	6/11/02	6/19/02
11. Ch. 65 Definition of Adjacency for Open Feedlots	2/18/02	3/20/02	1476B	4/08/02	4/17/02	4/17/02	5/20/02	5/20/02	*6/12/02		*7/09/02	*7/17/02
12. Ch. 65 Construction Permit Application Fee; MMP Filing Fee							6/17/02	*6/17/02	*7/10/02		*8/06/02	*6/18/02
13. Ch. 82 Well Contractor Certification	4/15/02	5/15/02	1618B	6/11/02	6/4-6, 11- 13/02	6/07/02	*7/15/02	*7/15/02	*8/07/02		*9/03/02	*9/11/02
14. Ch. 104, 106 Recycling Operations	2/18/02	3/20/02	1477B	4/08/02	4/09/02	4/10/02	5/20/02	5/20/02	*6/12/02		*7/09/02	*7/17/02
15. Ch. 105 Organic Materials Composting Facilities	1/22/02	2/20/02	1387B	3/08/02	3/14/02	3/14/02	4/15/02	4/15/02	5/15/02	1622B	6/11/02	6/19/02
16. Ch. 111 Financial Assurance Requirements for municipal SW Landfills	12/17/01	1/09/02	1263B	2/04/02	2/12/02	2/12/02	6/17/02	*6/17/02	*7/10/02		*8/06/02	*8/14/02
17. Ch. 111, Ch. 219 Waste Tire Management	1/22/02	2/20/02	1386B	3/08/02	3/12/02	3/12/02	4/15/02	4/15/02	5/15/02	1623B	6/11/02	6/19/02
18. Ch. 118 Discarded Appliance Manufacturing	3/18/02	4/17/02	1540B	5/15/02	5/14/02	5/14/02	*7/15/02	*7/15/02	*8/07/02		*9/03/02	*9/11/02
19. Ch. 123 Registration of Waste Tire Handlers							6/17/02	*6/17/02	*7/10/02		*8/06/02	*6/21/02
20. Ch. 133 Rules for Determining Clean-Up Actions & Responsible Parties	5/20/02	*6/12/02		*7/09/02			*8/19/02	*8/19/02	*9/18/02		*10/08/02	*10/23/02

### Monthly Variance Report June, 2002

Item No.	Facility	Program	Engineer	Subject	Decision
1	Koch Materials Company-Dubuque Asphalt Terminal	Air Quality		Permit Requirements	Approved
2	Quebecor World Dubuque, Inc.-Dubuque	Air Quality		Permit Requirements	Approved
3	Rosenboom Machine & Tool, Inc.-Sheldon	Air Quality		Permit Requirements	Approved
4	Larchwood, City of	Wastewater Construction	DeWild Grant and Reckert Associates	Buried Discharge Valves	Approved
5	Agriprocessors, Inc.	Wastewater Operation	Bolton & Menk	Water Quality Standards	Approved

6	Midwest Grain Processors Cooperative-Kossuth County	Wastewater Operation	Yaggy Colby Associates	Water Quality Standards	Approved
7	Siouxland Ethanol Facility-Sioux Center	Wastewater Operation	Taylor Engineering	Water Quality Standards	Approved
8	Henry County Landfill	Solid Waste	Carberry Environmental Services	Leachate	Approved
9	Alden, City of	Watersupply Construction	Veenstra & Kimm, Inc.	Water Monitoring	Approved
10	Central Water System-Okoboji	Watersupply Construction	Howard R. Green Co.	Installation Procedures	Approved
11	ConAgra Dairy Foods-Fredericksburg	Watersupply Construction	IIW Engineers and Surveyors	Design Basis	Approved
12	Martin Towers Building Restoration Project-Sioux City	Watersupply Construction	Hammond-Wetmore Drilling	Construction Materials	Approved
13	Twin Ponds Park-Chickasaw County	Watersupply Construction	IIW Engineers and Surveyors	Design Basis	Approved

During the period May 1, 2002, through May 30, 2002, 102 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	*Other
October	73 (60)	9 (3)	51 (42)	13 (14)	28 (22)	36 (32)	2 (0)	0 (1)	2 (1)	5 (4)
November	72 (58)	8 (4)	49 (40)	15 (14)	28 (19)	33 (32)	2 (0)	1 (4)	0 (1)	8 (2)
December	57 (44)	2 (0)	44 (28)	11 (16)	22 (10)	28 (31)	2 (0)	0 (1)	2 (0)	3 (2)
January	81 (55)	4 (7)	59 (36)	18 (12)	21 (13)	53 (33)	0 (0)	3 (0)	0 (0)	4 (9)
February	62 (58)	4 (0)	44 (43)	14 (15)	20 (14)	37 (36)	1 (0)	2 (4)	1 (1)	1 (3)
March	93 (80)	8 (3)	68 (55)	17 (22)	27 (21)	57 (48)	1 (1)	1 (2)	3 (2)	4 (6)
April	155 (126)	47 (32)	83 (71)	24 (23)	44 (35)	99 (78)	2 (3)	1 (4)	5 (1)	4 (5)
May	102 (113)	23 (24)	69 (65)	10 (24)	21 (28)	72 (71)	0 (3)	2 (3)	0 (1)	7 (7)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	695 (594)	105 (73)	467 (380)	122 (140)	211 (162)	415 (361)	10 (7)	10 (19)	13 (7)	36 (38)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
20	7	13	11	32	19

\* The "other" column includes the categories from the database of : Dumping, Fire, Theft, Vandalism, Unknown and Other.

During the period May 1, 2002, through May 30, 2002, 5 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	4 (5)	0 (0)	2 (2)	2 (2)	0 (1)	3 (4)	0 (1)	1 (0)	0 (0)	2 (1)
November	9 (3)	1 (0)	2 (2)	2 (1)	3 (0)	7 (3)	1 (0)	0 (0)	0 (0)	1 (1)
December	3 (2)	0 (0)	2 (1)	0 (1)	1 (0)	2 (2)	0 (0)	1 (0)	0 (0)	1 (0)
January	1 (1)	0 (0)	1 (1)	0 (0)	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (4)	0 (0)	0 (4)	0 (0)	0 (0)	0 (4)	0 (0)	0 (0)	0 (0)	0 (2)
March	3 (2)	0 (0)	1 (1)	1 (1)	1 (0)	2 (1)	1 (1)	0 (0)	0 (0)	1 (0)
April	6 (6)	0 (0)	4 (3)	1 (0)	1 (3)	6 (5)	0 (1)	0 (0)	0 (0)	3 (0)
May	5 (3)	0 (0)	3 (3)	2 (0)	0 (0)	1 (3)	4 (0)	0 (0)	0 (0)	2 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	31 (26)	1 (0)	15 (17)	8 (5)	0 (0)	22 (23)	6 (3)	2 (0)	0 (0)	10 (4)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
1	1	3	0	0	0

The following new enforcement actions were taken last month:

Name Location and Field Office Number	Program	Alleged Violation	Action	Date
Affordable Asbestos Removal, Inc., Ottumwa (6)	Air Quality	Asbestos	Consent Order \$2,900	4/26/02
Polk County Conservation Board; Jester Park No. 1; Jester Park No. 2, Polk Co. (5)	Wastewater	Monitoring/Reporting	Order/Penalty \$3,000	5/01/02

DeCoster Farms of Iowa, Sow Unit #3, Hamilton Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement	Order/SEP \$2,000	5/01/02
Leonard Anderson, Linn Grove (3)	Underground Tank	UST Closure	Order/Penalty \$1,160	5/06/02
Robert Marburger, Sabula (1)	Underground Tank	UST Closure	Order/Penalty \$2,940	5/06/02
Leon Triggs, Clay Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release; WQ Violation – General Criteria	Order/Penalty \$3,000	5/06/02
Galen White Construction Co., Clay Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release – WQ Violation – General Criteria	Order/Penalty \$3,000	5/06/02
Mitchell Town Pump, Mitchell (2)	Drinking Water	Construction Without Permit; MCL – Bacteria; Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$500	4/30/02
Air Bears II, Thompson (2)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$300	5/07/02
Dirk Westrum, Hamilton Co. (2)	Animal Feeding Operation	Uncertified Applicator	Order/Penalty \$500	5/07/02
Missouri Valley, City of (4)	Wastewater	Compliance Schedule	Amended Order	5/07/02
4-Way Tap, Luxemburg (1)	Drinking Water	MCL – Bacteria	Emergency Order	5/12/02
Deer Track Subdivision; F & J Enterprises, Inc.,	Wastewater	Stormwater – Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty \$4,000	5/14/02

## Glenwood (4)

Seymour, City of (5)	Air Quality	Open Burning	Order/Penalty \$1,400	5/14/02
John Cox, Pottawattamie Co. (4)	Air Quality	Open Burning	Consent Amendment	5/14/02
Equity Growth Group LLC, Davenport (6)	Wastewater	Stormwater – Operation Without Permit; Pollution Prevention Plan Violation	Order/Penalty \$6,000	5/14/02
Bee Rite Tire Disposal, Inc., Rhodes, State Center (5)	Solid Waste	Other Violations	Referred to AG	5/20/02
Art's Way Manufacturing Co., Armstrong (3)	Air Quality	Construction Without permit	Consent Amendment	5/20/02
Meadow Mist Motel, Oelwein (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$500	5/23/02
Montgomery County Landfill Assoc., Red Oak (4)	Solid Waste	Comprehensive Planning Violation	Consent Amendment	5/23/02
Charles E. Lakin d/b/a Charles E. Lakin Enterprises, Franklin Co. (2)	Solid Waste	Illegal Disposal	Order/Penalty \$2,500	5/23/02
Wellington Environmental, Iowa City (6)	Air Quality	Asbestos	Order/Penalty \$5,000	5/23/02
Strone Investments, LC d/b/a A-Line Iron & Metals, Waterloo (1)	Air Quality	Open Burning	Order/Penalty \$1,000	5/28/02
Cordes Excavating, LLC and Clint Cordes, Allison (2)	Air Quality	Open Burning	Order/Penalty \$1,000	5/28/02

Allison, City of (2)	Air Quality	Open Burning	Order/Penalty \$10,000	5/28/02
Postville Farmers Cooperative Society, Postville (1)	Hazardous Condition	Natural Resources Damage Claim	Order \$979.50	5/28/02
George Redman, Mitchellville (5)	Air Quality	Open Burning	Consent Amendment	5/28/02

The following administrative penalties are due:

NAME/LOCATION	PROGRA M	AMOU NT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
American Legion – Swisher Post #671 (Swisher)	WS	500	12-25-00
Sac City, City of	WW	2,400	1-01-01
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01

T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
*#Roger Bockes, et. al. (Tama Co.)	AFO	2,000	9-15-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Martin Marietta Materials, Inc. (Webster Co.) (SEP)	SW	17,500	11-17-01
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Jolly Roger Recreation and Marine, Inc. (North Liberty)	WW	2,000	2-05-02
Coralville, City of	WW	3,000	2-11-02
# Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)	AFO/SW	2,500	2-14-02
Hale Tap (Olin)	WS	200	2-15-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/S W	1,100	3-08-02
Days Inn 2 <sup>nd</sup> Addition (Williamsburg)	WS	10,000	4-07-02
* Steve Friesth (Webster Co.)	AQ/SW	450	4-15-02
* Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	500	5-15-02
* Kiefer Built, Inc. (Kanawha)	AQ	5,000	5-30-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
Patrick M. Pinney Contractors, Inc. (Sioux City)	AQ	2,100	4-23-02
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Moonshine Tap (New Hampton)	WS	300	4-30-02
Bubba's Bar & Grill (Cresco)	WS	175	4-30-02
Richard and Charlotte Caves (Oskaloosa)	HC	10,000	5-03-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
* James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	200	5-15-02
Lisa Collins d/b/a Collins Quality Cleaners (Ft. Madison)	AQ	1,000	5-17-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Affordable Asbestos Removal, Inc. (Ottumwa)	AQ	2,900	5-26-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
# J.C. Trucking, Inc.; John C. Niebuhr (Blairstown)	AFO	750	5-27-02



Vessel Systems, Inc. (Dubuque)	AQ	10,000	5-31-02
# Kris King (Audubon)	AFO	500	6-02-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
# Dennis Kruger (Hancock Co.)	AFO	500	6-09-02
# Swine Graphic Enterprises; ADL III Hog Farm (Clarke Co.)	AFO	3,000	6-11-02
John Cox (Pottawattamie Co.)	AQ/SW	1,000	6-13-02
Art's Way Manufacturing Co. (Armstrong)	AQ	3,000	6-13-02
* George Redman (Mitchellville)	AQ	4,500	6-15-02
* Winter Mobile Home Park (New Hampton)	WS	2,600	6-15-02
* Advance Millwork, Inc. (North Liberty)	AQ	1,000	6-15-02
# Goebel Pumping Service, L.C. (Masonville)	AFO	2,000	6-19-02
# Ag Max Partners, L.C. (Hancock Co.)	AFO	3,000	6-21-02
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Ellis Implement, Inc.; Douglas Shaffer (Coggon)	UT	2,170	6-25-02
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
Sid's Gas & Groceries (Forest City)	WS	200	6-26-02
Timberline Golf Course (Peosta)	WS	1,000	6-28-02
Coin, City of	WS	250	6-28-02
# Winding Creek Coop; Baatz Farm Industries (Lyon Co.)	AFO	2,000	6-28-02
# Ionia Pigs, Inc. (Chickasaw Co.)	AFO	3,000	6-28-02
Lemar Koethe (Dallas Co.)	AQ/SW	6,000	6-29-02
Midwest Farmers Coop (Sheldon) Natural Resources Damages	WW	75,000	6-30-02
Midwest Farmers Coop (Sheldon) Natural Resources Damages	WW	75,000	6-30-03
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Emer Carlson (Fairfield)	AQ	6,500	7-05-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Polk County Conservation Board; Jester Park No. 1 and 2	WW	3,000	7-06-02
# Galen White Construction Co. (Clay Co.)	AFO	3,000	7-09-02
Leonard Anderson (Linn Grove)	UT	1,160	7-09-02
Mitchell Town Pump (Mitchell)	WS	500	7-09-02
# Leon Triggs (Clay Co.)	AFO	3,000	7-10-02
Dirk Westrum (Hamilton Co.)	AFO	500	7-10-02
Air Bears II (Thompson)	WS	300	7-13-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
Seymour, City of	AQ	1,400	7-21-02
Deer Track Subdivision; F & J Enterprises (Mills Co.)	WW	4,000	7-22-02
* Quality Mat Co., Inc. (Waterloo)	AQ	5,696	12-01-02
Independence Mobile Home Park (Independence)	WS	800	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Alva Parker (Ringgold and Union Co.)	AQ/SW	10,000	-----
Fisher Controls International, Inc. (Marshalltown)	AQ	4,000	-----

Mobile World, L.C. (Camanche)	WW	2,000	----
Paul L. Nagle (Clear Lake)	AQ	4,600	----
# John C. Kelso (Worth Co.)	AFO	1,500	----
# Rome Pork, L.L.C.; William Huber (Jefferson Co.)	AFO	2,000	----
Uthe Development Company, L.L.C. (Ames)	WW	10,000	----
Waterford Townhome Assn.; Waterford Develop. (Des Moines)	WW	6,000	----
Linn Hollow MHP; J.D. and Sue Wollrab (Washington)	WW	2,000	----
# Cedar Valley Egg Farm (Benton Co.)	AFO	8,000	----
# DeCoster Farms of Iowa; Sow Unit #3 (Hamilton Co.) SEP	AFO	2,000	----
Postville Farmers Cooperative Society (Damages Claim)	HC	979	----
Meadow Mist Motel (Fayette Co.)	WS	500	----
Charles Lakin d/b/a Charles Lakin Ent. (Franklin Co.)	SW	2,500	----
Equity Growth Group, L.L.C. (Bettendorf)	WW	6,000	----
Allison, City of	AQ	10,000	----
Cordes Excavating; Clint Cordes (Allison)	AQ	1,000	----
Stone Investments, L.C.; A-Line Iron & Metals (Waterloo)	AQ	1,000	----
Wellington Environmental (Iowa City)	AQ	1,000	----
<b>TOTAL</b>		<b>493,300</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96

James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/W W	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition;	AQ/SW	1,000	7-01-00
Clara Lindstadt (Des Moines Co.)			
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 <sup>th</sup> Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
West Liberty, City of	WW	5,000	
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01

**TOTAL 179,394**

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRA M	AMOUN T
Frank Hulshizer (Benton Co.)	SW	500
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Dayton, City of	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
Minsa Corporation (Red Oak)	WW	10,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Braddyville, City of	WW	3,500
John Saathoff (Grafton)	AQ	500

# Floyd Kroeze (Butler Co.)	AFO	3,000
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Onawa Country Club (Onawa)	WS	1,500
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Eagle Investors dba Manson Ampride (Manson)	UT	4,650
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
Midland Transportation Co. (Marshalltown)	UT	4,460
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
* Lester Davis (Polk Co.)	AQ	1,080
Long Branch Maintenance Corp. (Earlham)	WW	5,000
Nevada, City of	UT	5,600
Trajet Products, Inc. (Glenwood)	AQ	10,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000
Altoona, City of	WW	10,000
Joe & Mary Schuster d/b/a Better-Flo (Callendar)	AQ/SW	1,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Heartland Express, Inc. of Iowa (Coralville)	UT	5,390
Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons	WW	10,000
(Whispering Woods – Council Bluffs)		
Artistic Manufacturing Corp. (Altoona)	WW	2,000
Warren Frozen Foods (Altoona)	WW	10,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	4,000
Adrian Skoda; Bowlaway Lanes (New Hampton)	WS	500

Sapp Bros. Truck Stops, Inc. (Percival)	WS	10,000
Brett George d/b/a Cedar Valley Tree Service; John Sohm	AQ/SW	7,000
Mike Messerschmidt (Martinsburg)	AQ/SW	500
Asbestos Handlers, Inc. (Dubuque)	AQ	4,600
Well's Dairy, Inc. (LeMars)	WW	10,000
William Habhab (Fort Dodge)	SW	1,500
Big Rock Country Club (Fayette Co.)	WS	1,500
Robinson Brothers Environmental, Inc. (Centerville)	AQ	4,000
# Lawrence Handlos (Audubon Co.)	AFO	3,000
Dennis Frederickson; Mark Frederickson (Cass Co.)	AQ/SW	5,000
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	10,000
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	10,000
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Minden, City of	WW	3,000
North Central FS, Inc. (Clarion)	WW/HC	5,000
Mid-States Asbestos Removal, Inc. (Sioux City)	AQ	4,000
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
Maysville, City of	WS	700
# Avery Feeder Pig Co. (Humboldt Co.)	AFO	3,000
Wellington Environmental (Davenport)	AQ	4,000
Amos Zimmerman; Cantril Feed and Grain (Cantril)	AQ/SW	3,000
Goldsmith and Son, Inc.; Goldsmith Trucking (Sgt. Bluff)	AQ	6,000
# Swine Graphic Enterprises; ADL V Sow Farm (Clarke Co.)	AFO	1,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
<b>TOTAL</b>		<b>450,880</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Jemco, Inc.; Bud Nelson (Audubon)	UT	1,000
Iowa Turkey Growers Cooperative d/b/a Sigourney Foods	WW	3,000
* Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	500
* Kiefer Built, Inc. (Kanawha)	AQ	2,500
Carter Lake, City of	SW	2,000
New Virginia Sanitary District (New Virginia)	WW	2,500

R.V. Hopkins, Inc. (Davenport) INTEREST	AQ	500
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,000
* Winter Mobile Home Park (New Hampton)	WS	300
Allerton, City of	WW	3,000
Gene Moeller Oil Co. (Fort Dodge)	UT	4,500
Montgomery County Landfill Association (Red Oak)	SW	1,000
Rancho Valley Homeowners Assn. (Montpelier)	WS	500
GMNW Investments, L.L.C. (Hamburg)	WW	3,750
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	2,000
Clearfield, City of	WW	1,750
Clearfield Community School District (Clearfield)	WW	100
* Advance Millwork, Inc. (North Liberty)	AQ	500
Wunschel Oil, et.al. (Battle Creek)	UT	3,133
<b>TOTAL</b>		<b>33,533</b>

The following SEP payments have been made:

PM Beef Group, LLC (Hartley) to O'Brien CCB	WW	3,530
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The \$5,000 penalty assessed to ABC Disposal Systems, Inc. (Hiawatha) has been rescinded.

Affordable Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Asbestos  Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Date	3/20/00 4/19/00 2/26/01 4/20/01 12/09/02
Affordable Removal, Inc. Jeffrey Intelkofer Iowa City (6)	Asbestos  Air Quality	DNR Defendant	Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal	12/28/00 1/18/01 7/09/01 7/30/01
Bauer, Michael Davenport (6)	Underground Tank	Site Assessment	Order/Penalty	Referred	2/18/02
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5) NEW	Solid Waste	Solid Waste Violations	Order/Penalty	Referred	5/20/02
Huyser, James; Trucking Lovilia (5)	Trust Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5)	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filled Motion for Partial Summary Judgment Hearing Ruling Denying Partial Summary Judgment Trial Judgment (\$95,000/Civil-Injunction)	4/17/00 9/27/00 8/10/01 9/11/01 9/14/01 10/24,25/01 11/19/01

				Appealed to Supreme Court	1/09/02
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4)	Animal Feeding Operation	Prohibited Discharge Confinement	– Referred to Attorney General	Referred	2/18/02
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filed Answer Motion for Summary Judgment Hearing Ruling (\$80,000 Clean-up Costs) Trial on Liability Ruling (\$80,806.61 Clean-up Costs to State)	5/17/99 11/02/00 12/07/00 7/16/01 8/31/01 9/02/01 12/19/01 3/29/02
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition	4/17/99 6/01/01
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	5/21/01
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred Petition Filed	2/19/01 3/20/02
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Severson, Dennis d/b/a Huxley Dry Cleaners Huxley (5)	Air Quality	Operational Violations	Order/Penalty	Referred	3/18/02



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Sunrise Dairy Farms, LLC Benton Co. (1)	Animal Feeding Operation	Construction Without Permit; Prohibited Discharge; Failure to Report a Release; Failure to Update MMP; Uncertified Applicator; Water Quality Violations	Referred to Attorney General	Referred Criminal Charges Filed Petition Filed	8/20/01 2/07/02 2/07/02
Thomas, Donald L. and Barbara S. Linn Co.	Solid Waste	DNR Defendant	Defense	Petition for Judicial Review Answer	9/21/01 10/29/01
West Liberty, City of (6)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty	Referred Petition Filed	7/16/01 1/30/02
Williams Pipeline Company LLC Waterloo/Dubuque/Milford (1, 3)	Air Quality	Construction Without Permit	Order	Referred	7/16/01
Winter Mobile Home Park New Hampton (1)	Drinking Water	Operation Without Permit; Monitoring/Repo rting – Bacteria	Order/Penalty	Referred Petition Filed	4/16/01 9/17/01
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997, 8606993, 8606996 Clinton (6)	Underground Tank	UST Closure; Site Check	Order/Penalty	Referred	1/22/02
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to Dismiss Motion for Partial Summary Judgment Hearing Order Granting Partial Summary Judgment Notice of Appeal State's Motion to Dismiss Defendant's Motion to Dismiss State's Resistance Defendant's Dismissal of Appeal Order Denying Defendant's Motion to Dismiss Contempt Order Trial Date	1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00 2/16/01 4/26/01 5/09/01 6/07/01 6/18/01 6/19/01 6/20/01 7/06/01 7/20/01 2/12/02 6/11/02

11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Referred for consent order 2/4/02. Proposed consent order sent to ADM 5/3/02.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up. Clean-up underway, to be completed by 5/28/02.
4/05/93	Mapleton, City of	4	WW Certification Operator	WW	Hansen	7/01 – City referred for Admin. Order for wastewater violations. 3/29/02 – Dept. engineer reviewing information submitted by City. Status report requested.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	1/31/02 – Dept. letter to company regarding resolution of appeal. 2/7/02 – Call from company attorney regarding letter. 3/29/02 – Dept. follow-up letter regarding prior letter.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	<b>1/30/02 Update from Permits engineer further site needs to be approved, more information needed from Company's engineer. 2/27/02 Dept. letter regarding resolution of appeal. 4/02 Letter received from company attorney regarding penalty due. 5/31/02 Dept. letter to company attorney.</b>
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	<b>5/02 Attorneys contacted. DNR staff reviewing site status.</b>
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	2/1/02 – Penalty settlement status request to appellant.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	<b>Meeting held 5/20/02.</b>

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10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	<b>Meeting held 5/20/02.</b>
10/12/98	AG Processing (Sergeant Bluff)	3	Permit Exemption Denial	AQ	Preziosi	<b>Meeting held 5/20/02.</b>
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	6/28/01 – Proposed referral concerning NPDES permit violations to be place on July EPC agenda. 7/16/01 – Referral to AG office by EPC. 1/30/02 – District court petition filed by AG's office.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	5/1/01 – Preliminary engineering report approved 3/01. NPDES permit issued 3/28/02 with compliance schedule. Will monitor for compliance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	2/19/02 – Option letter sent to Appellant's attorney; withdraw appeal by 3/19/02 or case will be sent to DIA.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	2/14/02 Amended order. New facilities to be completed this year.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	<b>Meeting held 5/20/02.</b>
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	<b>Response letters due 5/31/02.</b>
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ will now rule on the remanded portion of the decision, awaiting the ALJ decision. ALJ decision cut penalty in half – remainder of case on appeal with Supreme Court. Case being handled by AG. DNR involvement is over. Case still with Supreme Court.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	2/14/02 – Settlement letter to Appellant. Settlement payment due 3/14/02.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	ALJ decision 2/8/02 affirmed order. No appeal. Awaiting penalty payment.

10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	2/1/02 – Settlement request to appellant.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Variance until 7/31/02 to test mixed fuel solution.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	<b>AO to be amended and case set for hearing.</b>
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Variance until 7/31/02 to test mixed fuel solution.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
<b>1/20/00</b>	<b>New Virginia Sanitary Sewer District</b>	<b>5</b>	<b>Admin. Order</b>	<b>WW</b>	<b>Murphy</b>	<b>5/09/02 Penalty payment received. Case closed.</b>
2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	4/30/02 – SEP proposal accepted. Awaiting payment.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	12/3/01 and 12/13/01 – Dept. letters to City with further comments on facility plan. 1/28/2 – Dept. letter to city with WQ based copper effluent limits. 3/8/02 – City engineer letter concerning resolution of appeal issues and proposing new schedule. Letter being reviewed by WW permits engineer.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	Clean-up to be completed by 6/15/02.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	<b>Settled. Penalty payment plan established. 5/02 First two penalty payments received.</b>
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
<b>9/27/00</b>	<b>Brecht Enterprises, Inc.</b>	<b>6</b>	<b>Admin. Order/Penalty</b>	<b>AQ/SW</b>	<b>Tack</b>	<b>5/28/02 Penalty payment received. Case closed.</b>

## Environmental Protection Commission Minutes

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9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	3/1/02 – City/industry progressing with facility improvements.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/19/01. Negotiations continue.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	<b>Hearing set for 6/28/02.</b>
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Default judgment to be entered in favor of Dept. Appeal closed. Penalty due.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	<b>Meeting held 5/20/02.</b>
11/17/00	Swisher American Legion - #671	6	Admin. Order/Penalty	WS	Tack	<b>Compliance achieved. 5/22/02 Settlement offer sent.</b>
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	11/6/01 – Settled. Facility agreed to pay penalty in installments. 11/29/01 – First installment of penalty received. 12/31/01 – Follow-up letter sent regarding penalty payment due. 1/15/02 – 2 <sup>nd</sup> penalty payment received. 2/18/02 – Penalty payment received. 4/8/02 – Follow-up letter sent regarding penalty. 4/24/02 – Payment received.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Hearing was re-set for 5/3/02 but continued for an additional 90 days.
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	<b>Meeting held 5/20/02.</b>
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	3/1/02 – City/industry progressing with facility improvements.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	1/25/02 – Dept. settlement offer to City Attorney. 2/1/02 – City Attorney accepted offer. 3/02 – Settled. Consent order to be entered into.
12/12/00	University of Northern Iowa	1	Permit Modification Denial	AQ	Book	<b>5/02 Letter sent. Appeal likely to be closed with future application submittals.</b>
2/21/01	John Saathoff	2	Admin. Order/Penalty	AQ	Book	<b>Hearing held 4/19/02. ALJ affirmed order.</b>
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/27/01	Carter Lake, City of	4	Admin. Order/Penalty	SW	Tack	<b>Hearing held 1/11/02. 2/4/02 Decision received affirming AO. No appeal. 5/2/02 Penalty payment received. Case closed.</b>
4/04/01	The Woods at Fox Hollow	6	Permit Conditions	WS	Hansen	<b>8/23/01 WS sent letter to WS section stating monitoring would be initiated. WS has begun</b>

	Homeowners Assn.					<b>to monitor but has not completed all required monitoring. 11/17/01 Dept. copied on letter from homeowner's association to developer concerning installation of a third well for the subdivision. 5/31/02 Letter to WS regarding decision to connect to another system or separate into two systems.</b>
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Meeting set for 12/03/01.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	Clean-up underway. Penalty to be reviewed after completion of site clean-up.
4/27/01	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	<b>Meeting held 5/20/02.</b>
5/01/01	Onawa Country Club and Golf Course	4	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
<b>5/08/01</b>	<b>JEMCO; Bud Nelsen</b>	<b>4</b>	<b>Admin. Order/Penalty</b>	<b>UT</b>	<b>Wornson</b>	<b>Tier 2 submitted. 5/2/02 Penalty payment received. Case closed..</b>
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	<b>Hearing set for 6/21/02.</b>
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
<b>5/30/01</b>	<b>GMNW Investments, L.L.C.</b>	<b>4</b>	<b>Admin. Order/Penalty</b>	<b>WW</b>	<b>Murphy</b>	<b>5/30/02 Penalty payment received. Case closed.</b>
<b>6/13/01</b>	<b>Gene Moeller Oil Co.</b>	<b>2</b>	<b>Admin. Order/Penalty</b>	<b>UT</b>	<b>Wornson</b>	<b>5/31/02 Penalty payment received. Case closed.</b>
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order.
6/19/01	Eagle Investors, LLP d/b/a Manson Ampride	4	Admin. Order/Penalty	UT	Wornson	Compliance achieved, negotiating penalty pending change in UST fund rule.
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 3/14/02 – Notice received from bankruptcy court regarding proposed assumption of lease for plant by AgriProcessors, Inc.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	<b>Settlement except for penalty. Hearing indefinitely postponed. Monitor compliance.</b>
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	<b>Settlement except for penalty. Hearing indefinitely postponed. Monitor compliance.</b>
7/11/01	Lester Davis	5	Admin. Order/Penalty	AQ	Preziosi	Settlement close. 4/24/02 – Letter sent.

7/16/01	Midland Transportation Co.	1	Admin. Order/Penalty	UT	Wornson	Midland filed for bankruptcy. Negotiating with trustee.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Negotiating penalty or SEP.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	4/15/02 - Proposed decision upheld by EPC.
8/15/01	Trajet Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	<b>5/3/02 Sent to DIA. Meeting held 5/20/02.</b>
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule. 3/27/02 – Dept. settlement offer with schedule for improvements. 4/29/02 – Letter received from WS attorney regarding settlement.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
10/02/01	Lawrence "Bub" Korver d/b/a Korver Development Co.	3	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
10/08/01	Ervin Jones; City of Swisher	6	Certification Denial	WW	Wornson	Compliance achieved except for probationary period.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	<b>Hearing set for 6/14/02.</b>
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
11/14/01	Bee Rite Tire Disposal, Inc.	5	Notice of Intent to Revoke Permit	SW	Tack	<b>Proposed decision by ALJ on 2/21/02 affirming Dept.'s revocation of permit and emergency closure. 3/22/02 Proposed decision appealed to EPC. Appeal withdrawn. Referred to AG 5/20/02.</b>
11/19/01	Clearfield Community School District	4	Admin. Order/Penalty	WW	Hansen	3/20/02 Letter from school regarding its return to compliance. 5/1/02 Dept. settlement offer sent to school. 5/16/02 Appeal withdrawn. Penalty paid. Case closed. 5/28/02 - Letter sent closing appeal.
11/21/01	Clearfield, City of	4	Admin. Order/Penalty	WW	Hansen	3/20/02 City letter to FO regarding compliance with AO. 5/1/02 Dept. settlement offer sent to City. 5/23/02 Settlement offer accepted. Penalty payment received. Case closed. 5/30/02 Letter sent closing appeal.

11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
12/07/01	Crestwood Acres	1	Admin. Order	WS	Murphy	<b>Hearing held 5/21/02. Case to be held open for 30 days to monitor compliance.</b>
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/01	Blair's Ferry Manor	1	Admin. Order	WS	Murphy	<b>Case to be held open for 30 days to monitor compliance.</b>
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/21/01	Altoona, City of	5	Admin. Order/Penalty	WW	Murphy	3/21/02 – Settlement offer made.
12/24/01	Joe & Mary Schuster	2	Admin. Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
12/26/01	Dean Drees; Rimade, Inc.	4	Permit Revocation	SW	Tack	<b>3/28/02 Decision for DNR. Decision appealed to EPC 4/18/02. EPC to hear appeal 6/17/02.</b>
12/31/01	Heartland Express	6	Order/Penalty	UT	Wornson	Compliance initiated. Negotiating penalty.
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/04/02	Artistic Manufacturing Corp.	5	Order/Penalty	WW	Murphy	3/21/02 – Settlement offer made.
1/08/02	Warren Frozen Foods, Inc.	5	Order/Penalty	WW	Murphy	3/21/02 – Settlement offer made.
1/08/02	Bee Rite Tire Disposal	5	Order	HC	Tack	<b>Proposed decision by ALJ on 2/21/02 affirming Dept.'s revocation of permit and emergency closure. 3/22/02 Proposed decision appealed to EPC. Appeal withdrawn. Referred to AG 5/20/02.</b>
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/14/02	George Redman	5	Order/Penalty	AQ	Preziosi	<b>Settled. Awaiting penalty payment.</b>
<b>1/14/02</b>	<b>AGP Sheldon Plant</b>	<b>3</b>	<b>Permit Conditions</b>	<b>AQ</b>	<b>Preziosi</b>	<b>Settled. Revised permit issued. Case closed.</b>
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Negotiating before filing.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues.
1/24/02	Bowlaway Lanes	1	Order/Penalty	WS	Tack	Negotiating before filing.
1/28/02	Ira Community Service Assoc.		Permit Conditions	WS	Hansen	<b>FO5 attempting to resolve appeal directly with WS and operator. 5/31/02 Status report requested form FO5.</b>



1/28/02	John Cox	3	Order/Penalty	AQ/SW	Book	Consent amendment in place with reduced penalty and cleanup plan.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
1/29/02	Van Meter Development Corp. (Whispering Pines)	5	Order/Penalty	WW	Murphy	Hearing set for 7/2/02.
1/29/02	Advance Millwork of Iowa	6	Order/Penalty	AQ	Book	Settlement reached. Consent amendment signed. Payment plan established. 5/16/02 First penalty payment received.
1/30/02	Montgomery County Landfill Association	4	Order/Penalty	SW	Tack	Consent order entered to resolve appeal. 5/31/02 Penalty payment received. Case closed.
2/06/02	Art's Way Manufacturing	3	Order/Penalty	AQ	Book	Applications submitted. Consent amendment in place with a reduced penalty. Permitting section working on permits.
2/08/02	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	Hearing continued to 9/19/02 to allow City to submit updated report to Dept. for review.
2/22/02	Well's Dairy, Inc.	3	Permit Conditions	AQ	Book	Appeal resolved with issuance of permit modifications. Case closed.
2/25/02	Lee County	6	Permit Conditions	WW	Hansen	5/31/02 Status report requested from WW permits section.
3/13/02	Sapp Bros. Truck Stops, Inc.	4	Order/Penalty	WS	Murphy	Negotiating before filing.
3/14/02	Brett George d/b/a Cedar Valley Tree Service	6	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3/19/02	Asbestos Handlers, Inc.	1	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty.
3/20/02	Mike Messerschmidt	6	Order/Penalty	AQ/SW	Book	In the process of finalizing consent amendment.
3/21/02	Allerton, City of	5	Order/Penalty	WW	Hansen	4/30/02 Dept settlement offer sent. 5/10/02 Settlement accepted, appeal withdrawn, penalty paid. 5/29/02 Letter sent closing appeal. Case closed.
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	City of Ft. Dodge attempting to enroll site in federal clean-up program. Appeal on hold until 10/02.
4/12/02	Well's Dairy, Inc.	3	Order/Penalty	WW	Hansen	4/26/02 Letter sent to company attorney regarding request for stay of order. 5/21/02 Letter received from company attorney.
4/17/02	Lawrence Handlos	4	Order/Penalty	AFO	Clark	Negotiating before filing.

4/22/02	Big Rock Country Club	1	Order/Penalty	WS	Tack	<b>Compliance to be reviewed after 8/1/02.</b>
4/23/02	AssaAbloy Door Group, LLC d/b/a Curries Co.	2	Denial of Exemption for Construction Permit	AQ	Book	<b>Facility has until 6/1/02 to decide if they want a hearing.</b>
4/24/02	Robinson Brothers Environmental	5	Order/Penalty	AQ	Book	<b>Consent amendment agreed to with reduced penalty.</b>
4/30/02	Dennis Frederickson; Mark Frederickson	4	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
5/01/02	Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash	6	Order/Penalty	WW	Murphy	New case.
5/01/02	Maysville, City of	6	Order/Penalty	WS	Murphy	New case.
5/02/02	Minden, City of	4	Order/Penalty	WW	Hansen	<b>New case. Amended order to be issued to resolve appeal.</b>
5/02/02	Mid-States Asbestos Removal, Inc. (Sioux City)	3	Order/Penalty	AQ	Book	New case.
5/03/02	M.A., Inc.; Spring Grove MHP	6	Order/Penalty	WW	Hansen	<b>New case. To be sent to DIA for hearing.</b>
5/03/02	M.A., Inc.; Westside Park for MH	6	Order/Penalty	WW	Hansen	<b>New case. To be sent to DIA for hearing.</b>
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	New case.
5/07/02	Goldsmith and Son, Inc.; Goldsmith Trucking	3	Order/Penalty	AQ	Book	New case.
5/08/02	North Central FS	2	Order/Penalty	WW/HC	Murphy	<b>New case. 5/13/02 Settlement offer made.</b>
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	New case.
5/08/02	Swine Graphics Enterprises, L.P., ADL V Sow Farm	5	Order/Penalty	AFO	Murphy	<b>New case. 5/17/02 Sent to DIA. To be submitted to ALJ by stipulation.</b>
5/09/02	Arthur, City of	3	Order/penalty	WW	Hansen	New case.
5/09/02	Amos Zimmerman d/b/a Cantril Feed & Grain	6	Order/penalty	AQ/SW	Preziosi	New case.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	New case.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	New case.

During the period May 1, 2002 through May 30, 2002, 2 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
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October '01	9(5)	1	.0211	0	0(0)
November '01	4(1)	1	0.00133	2	0(0)
December '01	3(1)	2	3.50002	1	0(0)
January '02	4(5)	1	.007485	1	0(0)
February '02	5(2)	1.2	.012	2	0(0)
March '02	2(10)	1	.000125	0	0(0)
April '02	5(3)	1	0.50215	2	0(0)
May '02	2(10)	5.5	0.052	1	0(0)
June '01	6(0)	2	0.049	0	0(0)
July '01	6(0)	1.2	0.069	1	0(0)
August '01	9(0)	1.78	.044	0	1(0)
September '01	5(0)	1	.005	3	0(0)

(numbers in parentheses for same period last year)

Note: data not previously collected,  
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
1	0	1	1	1	1

Wayne Gieselman asked if the Commission had any questions about the Monthly Reports.

Kelly Tobin asked what the Department was doing about the penalties that are non-collectable.

Jon Tack said the bureau is working on collecting the penalties for those entities that can be found.

## GENERAL DISCUSSION

Wayne Gieselman suggested that the Commission may want to consider meeting over the course of two days for the July meeting because the Department expected to be putting several controversial issues on the agenda in response to HF2293. It was decided to meet on one day only but to begin at 8:30 instead of 10:00.

Wayne Gieselman said the interim matrix will be brought before the Commission to begin the rule making process at the July meeting. The Department will publish a notice that they will begin using the interim matrix in mid-July so that counties can begin using it. He said the members of the master matrix committee have been finalized and the first meeting will be held the June 26 and 27. The Department has hired a facilitator to chair the meetings as the Department is a member of the committee. The master matrix committee must have a recommendation for the master matrix to the Commission by September 1, 2002, as the Statute requires it to be through the six-month rule making process no later than March 1.

## CONTESTED CASE APPEAL RIMADE, INC

Jon Tack, Attorney in the Legal Services Bureau presented the following item.

On November 28, 2001, the department issued a Notice of Intent to Revoke Temporary Waste Tire Management Permit #14-WTM-01-01W-PRT, to Rimade, Inc. That action was appealed by the company, and the matter proceeded to administrative hearing on March 19, 2002. The Administrative Law Judge issued a Proposed Decision on March 28, 2002. The decision affirms the revocation of the permit.

Rimade, Inc. has appealed this decision to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including the hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Jon Tack said Mr. Kohorst, the attorney for Rimade contacted him on Friday and asked the Department to delay the hearing. Mr. Tack told him that the Department would not agree to that but he was welcome to submit a motion that could be brought before the Commission at the meeting. As of 9:30 that morning Mr. Tack had not received the motion and Mr. Kohorst was not present for his 3:00 appointment with the Commission.

He said the proposed Administrative Law Judge's decision was to revoke the permit for Rimade. He said the processor was first permitted in 1997, and at that time, between shredded and whole tires there were over 100,000 tires on the processor's farm in Manning, those tires are still on the property.

An order was issued in 1999 against Rimade to clean up the site. Because the penalty for the number of tires on the site would have been more than the Department had the legal authority to assess, a consent order was issued and agreed to by Rimade to clean up the tires by March of 2001.

The Department issued Rimade a temporary permit in July of 2001 that specified that they were not allowed to take any new tires but they could supply tires to the landfill project in Carroll County and another project taking whole tires in Clark County.

Rimade has not had their machine running since December, 2000 and have not processed any tires since that time and they have not complied with the consent order. In January of 2001, the Department made the offer to Rimade, for them to pay 20 percent of the cost of cleaning up to \$10,000, then the Department would go in and clean up the site. In addition they would have to promise to never handle tires again. This offer has been made repeatedly and rejected by Rimade each time. The Department's concern is that the Tire Fund Program will no longer exist after the end of June.

The Commission decided to take a 10 minute break to allow time for Mr. Kohorst to arrive.

The Commission reconvened at 3:20.

Jon Tack briefed Mr. Kohorst on his comments prior to the break.

### **Appointment Bob Kohorst Rimade**

Bob Kohorst, attorney for Dean Drees, owner/operator of Rimade, briefed the Commission on the history of the company and the financial difficulties that they faced. He said that for the past year a contractor has been

working on mounting the machinery from Mr. Drees' Audubon facility, which had been closed due to financial hardship, onto a semi trailer bed. The equipment has been completed and they were currently working on painting the machinery and preparing to put it into operation. Mr. Kohorst indicated that Mr. Drees had up to the end of June to meet the contract with the Carroll County Landfill if he can get the tire pieces small enough but if he loses his permit for recycling he will no longer be able to use the machine and would be unable to recover the cost of development. Mr. Kohorst said that he had remitted out of his own pocket, \$1,000 plus the \$850 license fee to the Department of Natural Resources on Friday, June 14, 2002.

Darrell Hanson asked Mr. Kohorst if there was anything in the Administrative Law Judge's summary that he would consider inaccurate or would like to challenge.

Mr. Kohorst said he did not wish to fight with the Administrative Law Judge but he said there were certain things in the findings of fact that do not mention what was presented as testimony or evidence.

Darrell Hanson said according to the record there were a number of instances where assurances were made that certain things would be done. He said that he saw nothing in the record that indicated that those assurances were fulfilled.

Mr. Kohorst said that they have fulfilled the assurance for the portable processing equipment, he said Mr. Drees was not at the meeting because they were in the process of putting tires on the trailer so it could be painted.

Rita Venner asked Mr. Kohorst about the portion of the record that states the Department doubts that the Carroll County Landfill would continue to accept the shredded tires because they had finished their project.

Mr. Kohorst said although the Carroll County Landfill had enough chipped tires, he was sure they would continue to accept them because the contract runs through the end of June.

Terry Townsend said the record shows the contract ran until May 31.

Jon Tack said the only contract submitted into evidence was a contract with UT Tire that expired on May 31, 2002. He said that some of the information that Mr. Kohorst has discussed would be considered additional evidence. The Department's testimony at the hearing was that if this portable tire processor did in fact work, the need for such equipment is in fact drying up as the number of large tire piles diminishes.

Darrell Hanson asked if the permit fee had been paid.

Jon Tack said that the permit fee for the temporary permit that is currently being considered has been paid. There was however a back fee that was still owed to the Department, which to date has not been received. He said that Mr. Kohorst did claim to have paid that fee on Friday, June 14, 2002 but the Department had not yet received it.

Mr. Kohorst produced an unsigned copy of a contract between Carroll County Landfill and Mr. Drees with a deadline of May 31, 2002.

Jon Tack said that the contract had been submitted into evidence at the hearing but as it was unsigned there was a question as to whether or not it had been executed.

*Motion was made by Darrell Hanson to affirm the Administrative Law Judges decision. Seconded by Terry Townsend.*

Gary Priebe asked what the Department would do if they could not get an agreement from the landowner to go in and clean up the property.

Jon Tack said the Department would seek district court action.

*Motion carried unanimously.*

**DECISION UPHELD**

## **NEXT MEETING DATES**

The Commission discussed alternate dates for the July EPC meeting due to the fact that there would be several controversial issues and there would be a chance that there would not be enough Commissioners present to have a quorum. It was decided that Carol Arpy would contact each of the Commissioners over the following week to find out what dates they were available.

## **ADJOURNMENT**

*Motion was made by Lisa Davis Cook to adjourn the Environmental Protection Commission meeting. Seconded by Rita Venner. Motion carried unanimously.*

With no further business to come before the Environmental Protection Commission, Chairperson Murphy adjourned the meeting at 4:15 p.m., Monday, June 17, 2002.

**ADJOURNED**

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Elizabeth Christiansen, Deputy Director

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Kathryn Murphy, Chair

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Rita Venner, Secretary

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